

**Welfare-to-Work (WtW)
Procedures and Guidelines**

Program:

1. Eligibility:

It is the responsibility of each Service Delivery Area (SDA) to ensure there are mechanisms in place to determine WtW eligibility for individuals who are receiving Temporary Assistance for Needy Families (TANF) assistance. These mechanisms should include arrangements with the TANF agency to ensure that WtW eligibility determinations are based on information current at the time of the WtW eligibility referral including whether an individual is receiving TANF assistance, the length of receipt of TANF assistance, and when an individual may become ineligible for assistance. Again, this is an issue to be addressed at the local level between the SDAs and Local Departments of Social Services (LDSS).

The Virginia Department of Social Services (VDSS) will continue to provide data support and the list of potential WtW clients based on various WtW eligibility factors. These lists will be provided to the LDSS as a starting point for WtW eligibility referrals to the SDAs. VDSS is also communicating through a written broadcast and regional local directors' meeting with the LDSS to discuss WtW issues and expedite the referral and eligibility process. It is critical that SDAs and LDSS work together during the eligibility, referral, assessment, enrollment, and service plan development for WtW clients. WtW clients are also customers receiving a variety of services and benefits from social services.

Eligibility Criteria: (reference-Federal Register, Department of Labor, Employment and Training Administration, 20 CFR, Part 645, November 18, 1997)

A. 70% - Participant eligibility criteria (70% of funds must be spent to benefit these clients)

I. Individual must meet all three:

1. Is Receiving TANF Assistance
(This includes individuals receiving transitional day care, transportation and/or work subsidies)
2. Two of three specified barriers to employment:
 - a. No high school diploma or GED **and** has low skills in reading or math (90% of individuals in this category must have low skills at 8.9 grade level or below)
 - b. Requires substance abuse treatment for employment

- c. Has a poor work history (90% must have worked no more than thirteen consecutive weeks in the past twelve calendar months in full-time unsubsidized employment at 30 or more hours per week)
- 3. Long term TANF recipient
 - Either a. Received TANF (or AFDC) for at least 30 months (Not required to be consecutive)
 - Or b. Will become ineligible for assistance within twelve months due to Federal or State imposed time limits

A technical amendment from the Department of Labor on the eligibility criteria clarified that the individual to be served, whether the custodial or the non-custodial parent, be the one who meets the first part of the eligibility criteria. In addition, the second part, relating to the length of cash assistance under TANF, may apply to the custodial parent or the minor children of the non-custodial parent. The addition of the reference to the minor child of the non-custodial parent addresses those "child only" cases where there is no custodial parent. Custodial caretaker relatives who receive TANF benefits for themselves and on the behalf of children in their custody are subject to the same TANF participation, time limitations, and requirements as other TANF recipients, and therefore may be eligible for the WtW program.

- II. Non-custodial parent of a minor who is eligible to participate under the 70% provision, if the non-custodial parent meets two of three of the specified barriers to employment outlined above in item (I)(2).
- III. An individual who has two of three specified barriers above but is no longer receiving TANF assistance because (s) he has reached Federal or State-imposed lifetime limit. (Note: Virginia's 24 month time-limit does not constitute a lifetime limit, only the federal 60 month time limit applies for this eligibility factor.)

B. 30% - Long term welfare dependence characteristics (Not more than 30% of funds may be spent on clients meeting the following criteria)

- I. Individual must meet both:
 - 1. Is receiving TANF assistance, and
 - 2. Has characteristics associated with, or predictive of, long term welfare dependence, such as but not limited to:
 - a. School dropout
 - b. Teenage pregnancy
 - c. Poor work history or
 - d. State (VDSS) and PICs may designate additional characteristics through their plans.
- II. Non-custodial parent of a minor child, if the non-custodial parent
 - 1. Has one of these characteristics, and

2. The custodial parent is receiving TANF assistance
- III. An individual who has characteristics (above) but is no longer receiving TANF assistance because (s)he has reached Federal or State-imposed lifetime limits. (Note: Virginia's 24 month time-limit does not constitute a lifetime limit, only the federal 60 months applies for this eligibility factor.)

One of the advantages of the WtW grant is the new and expanded populations that can be served. This grant not only provides a specific program and focus on the hard-to-employ but also allows Virginia to serve individuals that are currently not receiving services. These populations include, but are not limited to:

1. Non-custodial parents
2. VIEW exempt
3. VIEW transitional
4. Post TANF (those cases that were WtW enrolled and whose TANF cases were subsequently closed may continue to be served through WtW.)

2. Data Elements and Definitions for WtW:

Data elements and definitions for WtW activities (full-time employment, allowable activities, community work experience, terminations, etc.) have been discussed and developed as a part of the Inter-agency MIS workgroup, which has been meeting for the past several months. The participants on this workgroup include representation from SDAs, GETD (Robert Burns, Tina Harris-Cunningham, Joe Holicky) and VDSS (David Olds and Wendy Howard-Drumgole). All the necessary data elements that will need to be tracked for WtW has been developed along with definitions defining each term. The manual tracking forms containing the data elements will be published and sent to all SDAs and Local Departments of Social Services by the end of May 1999.

3. Public Sector OJT and Upgrades:

Public sector OJT is an allowable WtW activity. Upgrade OJT may be used in either public or private sector placements provided that the upgrade results in increase earnings.

4. Follow-up Requirements for WtW:

WtW places a strong emphasis on post-employment services and efforts to improve job retention; job follow-up is a primary activity. WtW participants are not automatically terminated from the program at job placement. The intensity and frequency of the follow-up period may vary per placement, client, and employer, based on the individual's needs and circumstances. Job retention research depicts that most clients lose their employment within

the first several weeks or month of employment. Therefore, job follow-up may start with frequent contact and support which can subside over time. Job follow-up may include phone calls, face-to-face meetings, contacts with the employer, written contact, and any other appropriate means of communication. Follow-up must occur at least twice during the first 30 days after enrollment and/or employment and at a minimum of once a month after that. Follow-up must continue for at least six months after the quarter of placement in unsubsidized employment.

5. Performance Measures:

Currently there are no specific or finalized performance goals and outcomes for WtW. The FY98 State Plan simply refers to the following measures; unsubsidized placement rate, retention rate for at least six months, monthly earnings, work activity placement rate, and cost per unsubsidized placements. The State may add, delete, and change these measures at a later date. While these measures were listed in our State Plan, along with the historical performance experiences for VIEW, the plan clearly states that the values or outcomes for WtW will be adjusted and refined as the program progresses and tracking systems are developed.

The Inter-agency Steering Committee will be asked to discuss the issues surrounding performance measures and outcomes in order to develop specific goals for WtW. VDSS will take the list of potential WtW eligible clients that are enrolled in VIEW and analyze the current performance. This may be a starting point to discussing and finalizing appropriate outcomes for WtW. VDSS hopes to finalize and publish the performance measures for WtW in June 1999. VDSS will require local WtW planning documents, which are updated and submitted during the new state fiscal year, to include performance measures and outcome goals.

6. Definition of When a Client Becomes a Participant for Reporting and Financial Purposes:

A client becomes a participant for reporting and financial purposes at the time of enrollment in any WtW activity. A client who receives only intake and objective or initial assessment services will not be considered an enrolled participant for performance purposes. Only those participants who receive allowable services beyond intake and initial assessment will be considered a WtW "participant" for performance. However, WtW dollars can be expended during the intake and initial assessment period.

7. Eligibility or Enrollment Status for an Individual Receiving Post-employment Services:

In order to access and use WtW funds, an individual must be enrolled in the WtW program. Post employment services are only available once the individual is enrolled and in

an allowable work activity. A participant is considered enrolled/not terminated until there is no expectation of any need for WtW services.

8. Program Termination:

This will be based on a variety of factors; 1) Does the participant still need WtW services for job placement, job retention, supportive services, and/or career advancement, 2) Are WtW services still available based on money, timing and other resources, 3) If the participant is no longer participating (voluntary or in-voluntary).

9. Duration of participation by time or money:

The only current limit on time is the federal requirement that each grant is a three-year grant from the time of state approval. For the fiscal year 1998 grant, the deadline for obligating expenditures is June 30, 2001. At this time there are no other time limits or cost per participant restrictions.

10. Individual Development Accounts (IDAs) o Purchase a Car?

IDAs can only be used for the purchase of a home, a college education, or the start of a business; this is a federal requirement. In addition, the State does not currently have a formally established IDA program for TANF clients. Any "IDA" accounts that might be established could negatively affect the client's TANF check, Food Stamp allotment, or other benefits. At this time WtW should not establish IDAs for program participants.

11. Documentation Required to Verify Support Services:

A simple form/certification from the LDSS at a given point in time would provide adequate documentation that job retention or support services funds are not available from another source. Periodic re-certification is not required unless the participant requires new or additional job retention or support services. The intent of the WtW Regulations is to not replace existing funds (TANF Block Grant, Child Day Care, etc.) with WtW funds; however, WtW funds can be used to expand services or create new services.

12. Confidentiality Issues:

Local departments of social services may disclose information concerning TANF applicants and recipients to SDAs and their contractors upon written or verbal request. An LDSS is not required to have a signed written release from the TANF applicant or recipient giving permission. However, the LDSS must record in the TANF recipient's case record

each instance in which information is disclosed, including the name of the agency or organization being given the information and the purpose for releasing the information. The LDSS must inform the receiving agency that the information provided is subject to the Virginia Privacy Protection Act of 1976 which requires that the information be safeguarded and used only for the specific purpose intended.

13. Residence Requirements and Service Delivery to Absentee Parents:

The law and regulations do not specify that individuals served by WtW in a certain State must reside within a specific SDA. The manner in which this is accomplished is at the discretion of the local entities involved. States may enter into agreements to facilitate the provision of services to eligible WtW participants of other States. Typically, the services provided to an absent parent should be where the absent parent is living and not necessarily be based on the TANF recipient's residence.

14. Educational Levels of non-English Speaking Clients:

For the purposes of WtW, if an individual is unable to perform above the 8.9 level in English or Mathematics, (s)he will meet the eligibility criteria regardless of any foreign education.

15. Effect of Sanctions on Program Participation:

If the client is a VIEW participant and the WtW activities are added to the social services Activity and Service Plan (ASP) for that client, at the time of sanction all services on that ASP would cease until the sanction is removed. However, if the WtW activities are not on the ASP there will be no direct relations to a TANF/VIEW sanction and it will be up to the local WtW administrators to decide whether or not to suspend WtW activities.

Administration:

1. WtW Contracts:

All fourteen contracts submitted to VDSS for approval have been fully executed and returned with signatures and a contract number to the PICs. Therefore, all fourteen PICs have approved contracts and are able to file for reimbursements.

2. WtW Communications:

VDSS and GETD are providing a variety of activities to improve and enhance communications among the different stakeholders. A few examples of these activities include; the Inter-agency Steering Committee, GETD is actively serving as a conduit to SDAs for certain issues and questions, VDSS is reviewing WtW implementation at each Regional Local Directors meetings, VDSS is conducting a WtW program implementation meeting jointly with each SDA and LDSS, VDSS is publishing formal Procedures and Guidelines, and more. These communication processes will allow for input and discussion between VDSS, GETD, SDAs, LDSS, and other potentially interested parties.

3. Monitoring:

Monitoring schedules and tools will be developed by VDSS in coordination with the GETD. This monitoring and evaluation schedule and tools will be developed and shared with the Inter-agency Steering Committee. It is VDSS' goal to conduct at least one SDA monitoring visit/review each month. The Department of Labor has already announced their first monitoring visit to Virginia, which will occur the week of June 21, 1999. The VDSS will be monitored along with four SDAs.

4. Questions and Answers:

The VDSS is in the process of establishing a Q&A page on the Internet to better exchange questions and answers for WtW. This will increase the effectiveness and efficiency of answering questions and sharing those responses. In addition, questions from SDAs can be channeled through the GETD to be shared, discussed, and answered with VDSS and/or the Inter-agency Steering Committee.

5. Availability of Technical Training:

Site visits or implementation meetings have been conducted from February - May 1999, for each SDAs and LDSS. These meetings included fiscal reviews and program reviews with technical assistance as needed. Any additional technical assistance for an SDA or LDSS should be requested to the VDSS.

Financial:

1. 15% Administrative Limitation on Award or Actual Expenditures:

The 15% cap on administrative costs is based on award amount regardless of expenditures.

2. Fixed Unit Performance Based Contracts and Holdback Requirements:

Fixed unit performance based contracts are acceptable. However, cost plus percentage of cost and percentage of construction cost type contracts are not allowable. Contracts must be in accordance with 29 CFR 95, Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations or 29 CFR 97 Grants and Agreements with State, Local, and Indian Tribal Governments. Administrative costs should be separated and reported as such. When vouchers or contracts are used for placement in unsubsidized jobs, there is a 50% hold back requirement that cannot be paid until six months after placement.

3. Advances and Reimbursements:

All advance/reimbursement requests received from SDAs have been processed, in accordance with prompt pay requirements. All requests will be processed within 30 days of VDSS receipt.

4. Financial Report Format with Instructions and Definitions:

Financial training was conducted October 29, 1998. All SDA finance staff and project administrators were invited. Reporting requirements, forms, and instructions were discussed and distributed to each SDA present. DOL has made some recent changes to the quarterly report requirements. Detailed instructions and new forms have been distributed. Additional training will be conducted as necessary.

5. Program Auditing:

SDAs are required to have an independent audit performed annually to comply with the Single Audit Act provision of OMB Circular No. A-133. In any year federal expenditures exceed \$300,000, the cost of the audit may be charged proportionately to the appropriate federal programs. VDSS will also conduct monitoring visits.

6. The following are general guidelines for WtW expenditures:

General Rule:

The WtW Grant is a compliment and enhancement to the current TANF program. While the use of WtW funds should occur within the larger framework of the TANF program, these funds have a purpose that is distinct from that of the TANF program. The purpose of WtW is to provide transitional assistance, which moves hard-to-employ welfare recipients living in high poverty areas into unsubsidized employment and economic self-sufficiency.

Administrative costs:

The administrative cap is the same as TANF; there is a 15% limitation on federal funds. However, the JTPA definition of "administrative costs" was adopted in the Interim Final Regulations.

Job Placement:

WtW Grant requires that contracts or vouchers for job placement services must include a provision to require that at least one-half of the payment occur after an eligible individual placed in the workforce has been in the workforce for at least 6 months.

Eligible families:

At least 70 percent of the WtW funds awarded must be spent to benefit hard-to-employ individuals as defined in Section I of this Transmittal.

A maximum of 30 percent of funds awarded may be spent to serve individuals with long-term welfare dependence characteristics as defined in Section I of this Transmittal.

Prohibitions:

WtW grant funds are not allowable for independent or standalone education and training activities.

Grant funds are prohibited for the costs of construction or purchase of facilities, buildings, and land.

WtW funds cannot be used for down payments of loans to purchase vehicles for clients.

Coordination:

Coordination of resources should include not only those available through WtW and TANF grant funds, but also those available through the Child Day Care Block Grant, JTPA programs, State employment services, one-stop systems, private sector employers, labor organizations, business and trade associations, education agencies, housing agencies, community based and faith organizations, disability community organizations, community action agencies, and colleges and universities which provide some of the assistance needed by the targeted population.

Job Retention and Supportive Services:

Given the needs of the target group for this assistance, the provision of adequate job retention and support services will be critical. Each participant engaged in allowable employment activities will be allowed to receive job retention and support services, if such services are not otherwise available. These could include transportation, substance abuse treatment, child care, emergency or short-term housing, disability-related services, or other supportive services. However, these services can be provided with WtW funds only where they are not otherwise available to the participant.

Medical Services:

No medical expenses can be reimbursed through the WtW grant.

Time Limitations:

The general rule for the WtW funds is that these funds will be available for expenditure for a "maximum" of three years which commences with the effective date of the grant to the State.

**Welfare-to-Work (WtW)
Procedures and Guidelines Update**

Program

1. Eligibility: The eligibility requirements changed with the passage of the 1999 Amendments. The following are the updated requirements.

70% of funds must be spent on general (primary) eligibility and noncustodial parent eligibility

An individual may be served under this provision if:

- (a)
 - (1) (S)he is currently receiving TANF assistance, under a State TANF program and/or it's predecessor program, for at least 30 months, although the months do not have to be consecutive; or
 - (2) (S)he will become ineligible for assistance within 12 months due to either Federal or State-imposed time limits on the receipt of TANF assistance. This criterion includes individuals (as well as children of noncustodial parents) exempted from the time limits due to hardship under section 408(a)(7)(C) of the Act or due to a waiver because of domestic violence under section 402(a)(7) of the Act, who would become ineligible for assistance within 12 months without the exemption or waiver;
- (b) (S)he is no longer receiving TANF assistance because (s)he has reached either the Federal five-year limit or a State imposed time limit on receipt of TANF assistance (section 403(a)(5)(C) of the Act); or
- (c) (S)he is a noncustodial parent of a minor child if:
 - (1) The noncustodial parent is:
 - (i) "Unemployed," as defined in §645.120 of this part,
 - (ii) "Underemployed," as defined by the State in consultation with local board and WtW competitive grantees, or
 - (iii) "Having difficulty paying child support obligations," as defined by the State in consultation with local boards and WtW competitive grantees and the State Child Support Enforcement (IV-D) Agency, and
 - (2) At least one of the following applies:
 - (i) The minor child, or the custodial parent of the minor child, meets the long-term recipient of TANF requirements of paragraph (a) of this section;
 - (ii) The minor child is receiving or is eligible for TANF benefits and services;
 - (iii) The minor child received TANF benefits and services during the preceding year; or

- (iv) The minor child is receiving or eligible for assistance under the Food Stamp program, the Supplemental Security Income program, Medicaid, or the Children's Health Insurance Program; and
- (3) The noncustodial parent is in compliance with the terms of a written or oral personal responsibility contract meeting the requirements of §645.215 of this subpart.
- (d) For the purpose of determining whether an individual is receiving TANF assistance in paragraphs (a)(1) of this section and §645.213(a), TANF assistance means any TANF benefits and services for the financially needy according to the appropriate income and resource criteria (if applicable) specified in the State TANF plan.

30%--Other Eligibles

Any individual may be served under this provision if (s)he:

- (a) Is currently receiving TANF assistance (as described in §645.212(d) and either:
 - (1) Has characteristics associated with, or predictive of, long-term welfare dependence, such as having dropped out of school, teenage pregnancy, or having a poor work history. States, in consultation with the operating entity, may designate additional characteristics associated with, or predictive, of long term-welfare dependence; or
 - (2) Has significant barriers to self-sufficiency, under criteria established by the local board or alternate administering agency, or
- (b) Was in foster care under the responsibility of the State before (s)he obtained the age of 18 years and is at least 18 but not 25 years of age or older at the time of application for WtW. Eligible individuals include those who were recipients of foster care maintenance payments as defined in section 475(4) under part E of the Social Security Act, or
- (c)
 - (1) is a custodial parent with income below 100 percent of the poverty line, determined in accordance with the most recent HHS Poverty Guidelines established under section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (Pub. L.97-35), including any revisions required by such section, applicable to a family of the size involved.
 - (2) For purposes of paragraph (c)(1) of this section, income is defined as total family income for the last six months, exclusive of unemployment compensation, child support payments, and old-age and survivors benefits received under section 202 of the Social Security Act (42 U.S.C. 402).
 - (3) A custodial parent with a disability whose own income meets the requirements of a program described in paragraph (c)(1) or (c)(3)(i) but who is a member of a family whose income does not meet such requirements is considered to have met the requirements of paragraph (c)(1) of this section.

2. Definition of vocational education training

For the purposes of the WtW program in Virginia, the term “vocational education” has the meaning given to the term “vocational and technical education” contained in the Carl D. Perkins Vocational and Technical Education Act of 1999, and reads as follows: The term “vocational and technical education” means organized educational activities that –

- (A) offer a sequence of courses that provides individuals with the academic and technical knowledge and skills the individuals need to prepare for further education and for careers (other than careers requiring a baccalaureate, master’s, or doctoral degree) in current or emerging employment sectors; and
- (B) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, of an individual.

3. Definition of underemployed

The definition used can be found in 20CFR Part 652 et al. Workforce Investment Act; Final Rules at Section 668.150. It states as follows: “Underemployed means an individual who is working part time but desires full time employment, or who is working in employment not commensurate with the individual’s demonstrated level of educational and/or skill achievement.”

4. Process for obtaining and completing Personal Responsibility Contracts

Reference: *Federal Register, Part III, Department of Labor, Employment and Training Administration, 20 CFR Part 645, Welfare-to-Work (WtW) Grants; Final Rule; Interim Final Rule, Thursday, January 11, 2001*

The following are minimal requirements to be followed when obtaining and maintaining Personal Responsibility Contracts required of noncustodial parents for Welfare-to-Work program eligibility. These procedure requirements are found in the above referenced publication at Section 645.215(c).

PROCEDURES

Noncustodial parents must enter into Personal Responsibility Contracts in order to be served in the Welfare-to-Work program under the “general eligibility” category.

Each contract must—

- (1) Take into account the following:
 - (i) The employment; and
 - (ii) The child support status of the noncustodial parent;
- (2) Include each of the following entities:

- (i) The noncustodial parent,
 - (ii) The operating entity, and
 - (iii) The agency responsible for administering the State Child Support Enforcement program in the WtW grant operators area of service in Virginia (the state office for administration of the state formula funded WtW program in Virginia has entered into a Memorandum of Understanding with the State Child Support Enforcement program of Virginia—a copy is attached—each regional State Child Support Enforcement entity is committed to sharing the information by virtue of the State level MOU, and each WtW program in Virginia has received a copy of the MOU with the name and phone number of their respective contact);
- (3) Include the following elements:
- (i) A commitment by the noncustodial parent to cooperate:
 - (A) In the establishment of paternity (if the participant is male) of the minor child at the earliest opportunity, through voluntary acknowledgment or other procedures, and
 - (B) In the establishment of a child support order;
 - (ii) A commitment by the noncustodial parent to cooperate in the payment of child support for the minor child. This commitment may include a modification of an existing support order to take into account:
 - (A) The ability of the noncustodial parent to pay such support, and
 - (B) The participation of the noncustodial parent in the WtW program;
 - (iii) A commitment by the noncustodial parent to participate in employment or related activities that will enable the noncustodial parent to make regular child support payments. For noncustodial parents who have not reached 20 years of age, such activities may include:
 - (A) Completion of high school,
 - (B) Earning a general equivalency degree, or
 - (C) Participating in other education directly related to employment; and
 - (iv) A description of the services to be provided to the noncustodial parent under the WtW program;
- (4) Contain a commitment by the noncustodial parent to—Participate in the services that are described in the personal responsibility contract under paragraph (c)(3)(iv) above;
- (5) Be entered into no later than thirty (30) days after the individual is enrolled in and is receiving services through a WtW project funded under this part—unless the operating entity has determined that good cause exists to extend this period (an extension may not extend to a date more than ninety (90) days after the individual is enrolled in and receiving services through a WtW project funded under this part);
- (6) If an oral rather than a written contract is used, there must be written documentation contained in the WtW participant's file, along with the signature of the case worker, to indicate that all the elements identified in items (1) through (5) of these *Procedures* have been addressed by the required parties (documentation must contain a statement that provides a reasonable explanation for using an oral rather than a written contract in order to meet the requirement for the *Personal Responsibility Contract*); and

(7) The participant's *Personal Responsibility Contract* or, when appropriate, the related documentation referenced in item (6) above, concerning oral contracts, must be maintained in each noncustodial parent's enrollment file.

COMPLIANCE WITH PROCEDURES

Virginia Department of Social Services program monitors from the Job Readiness and Employment Unit will review enrollment files of the noncustodial parents during their routine monitoring visits to insure the following:

- (1) A completed contract (attached), containing all of the required elements identified in the above *Procedures*, is on file for each;
- (2) Each contract meets the signatory and date requirements outlined in item Contained in the above *Procedures*;
- (3) *The Eligibility Check List—Welfare to Work* (attached) is completed;
- (4) *The Personal Responsibility Contract Check List—Welfare to Work* (attached) is completed; and
- (5) If an oral, rather than a written, contract is entered, there must be written documentation contained in the WtW participant's file, along with the signature of the case worker, to indicate that all the elements identified in the *Procedures* above have been addressed by the required parties (the documentation must contain a statement that provides a reasonable explanation for using an oral rather than a written contract in order to meet the requirement for the *Personal Responsibility Contract*).

Failure to develop and/or maintain the *Personal Responsibility Contract* for a noncustodial parent, may result in that individual being ineligible to participate in the WtW program and all costs associated with such enrollment being disallowed.

Attachments:

Memorandum Of Understanding Between The Division Of Community Programs and the Division of Child Support Enforcement Of The Virginia Department Of Social Services Promoting Cooperation In Serving Noncustodial Parents In The Welfare-to-Work Program; Department of Child Support Enforcement Contact Information; Noncustodial Parent Personal Responsibility Contract; Eligibility Check List—Welfare to Work; Personal Responsibility Contract Check List—Welfare to Work

5. Process for verifying a participant was in the foster care system

Reference: *Federal Register, Part III, Department of Labor, Employment and Training Administration, 20 CFR Part 645, Welfare-to-Work (WtW) Grants; Final Rule; Interim Final Rule, Thursday, January 11, 2001*

According to Section 645.213(b) of the above mentioned Federal Register, any individual may be served under the "other eligibles" if the individual "Was in foster care under the responsibility of the State before s(he) attained 18 years of age and is at least 18 but not 25 years of age or older at the time of application for WtW. Eligible individuals include

those who were recipients of foster care maintenance payment as defined in section 475(4) under part E of the Social Security Act.”

The following procedures are to be followed when determining eligibility of a former foster care recipient.

1) If an individual is not referred by the local department of social services with verification of eligibility, the operating entity should contact the local department of social services to verify whether an individual was in the foster care system. As stated in the discussion section of the Federal Register, “The 1999 Amendments provide that the individual must have been a recipient of foster care maintenance payments, as defined in section 475(4) of the Social Security Act (42 U.S.C. 675(4)), or was in foster care under the responsibility of the State. This foster care could have occurred in, but is not limited to, family homes, group homes or child care institutions. Section 475(4) of the Social Security Act contains a definition of “foster care maintenance payments.” Section 472 of the Social Security Act describes the Federal Foster Care Maintenance Payments Program itself. It should be noted that the definition of foster care under the responsibility of the State includes children on whose behalf Federal foster care payments were made. Thus, for WtW eligibility purposes, all individuals under foster care in the State, whether or not State or Federal funds are paid on the individuals' behalf, are considered to have been under the responsibility of the State.

2) Prepare the *Eligibility Check List-Welfare to Work*. (Attached) The response for number nine must be yes, if this category is chosen to determine eligibility. Be certain that the applicant is at least 18, but not yet 25, and cite source documentation.

3) Place the *Eligibility Check List* and supporting documents in the participant’s file.

Compliance with Procedures

Virginia Department of Social Services program monitors will review files during their normal monitoring visits. The files for those enrolled under the “foster care” category must contain supporting documentation as to the participant’s eligibility in this category.

Attachment:

Eligibility Check List – Welfare-to-Work

6. Procedures for Coordination with Domestic Violence Agencies

Reference: *Federal Register, Part III, Department of Labor, Employment and Training Administration, 20 CFR Part 645, Welfare-to-Work (WtW) Grants; Final Rule; Interim Final Rule, Thursday, January 11, 2001, Social Security Act (42 U.S.C. 675 (4))*

The following are minimal procedures to be followed when coordination with domestic violence agencies takes place related to the eligibility of noncustodial parents to receive

WtW services. These procedure requirements are found in the above referenced publication at page 2708, at Section 645.215(b), and at Section 402(a)(7) of the Social Security Act (42 U.S.C. 675 (4)). All three references are attached for your convenience.

PROCEDURES

(1) Post 1999 Amendment Requirements— Section 645.215(b) of the *Federal Register*, referenced above requires that in WtW program operators, serving noncustodial parents after the 1999 Amendments, must—

- (i) Consult with domestic violence prevention and intervention organizations in the development of its WtW project serving noncustodial parents; and
- (ii) Not require the cooperation of the custodial parent as a condition of participation in the WtW program for either parent.

The intent of such consultation is to raise the awareness of operating entities about the issues associated with domestic violence, and provide them with the practical knowledge and resources needed to safely and effectively address domestic violence issues that arise in programs where noncustodial parents are served.

(2) Restrictions on Requirements Made of Custodial Parents—WtW program operators, in order to protect custodial parents and children at risk of domestic violence, cannot require the custodial parent to cooperate in the following:

- (i) The establishment of paternity or
- (ii) In establishing and enforcing a support order with regard to a child.

(3) Prior 1999 Amendment Requirements—WtW program operators who served noncustodial parents in their programs prior to the passage of the 1999 Amendments are strongly encouraged to amend their operating procedures to include regular and continuing consultation with domestic violence organizations regarding their services to those individuals.

(4) Log Maintenance—WtW program operators should maintain a log of the contacts they make with domestic violence agencies and keep it in a place easily accessible for review by WtW program monitors. Logs must reflect the times, dates, and names of staff who make the contacts, the names of the domestic violence agencies and the contacts at each, and a brief description of the information obtained through such contacts.

COMPLIANCE WITH PROCEDURES

WtW program monitors will periodically review the logs of contacts made by the WtW program operators with the domestic violence agencies.

The absence of such logs may indicate failure of the WtW operating entities to comply with the requirements to coordinate with domestic violence agencies after the 1999 Amendments to the Welfare to Work program found in the Social Security Act (42 U.S.C. 675 (4)), and may result in findings.

DOMESTIC VIOLENCE INFORMATION ACCESS

WtW program operators in Virginia may access the domestic violence information, including assessment and intervention resources, hotline and referral telephone numbers, confidentiality protections information, legal, supportive services, and safety planning

resources, and contact information for domestic violence organizations, posted on the federal WtW website at (<http://wtw.doleta.gov>) or on the state website at (<http://www.vadv.org/>).

- (i) Operating entities may use this information to locate domestic violence organizations in their areas;
- (ii) To fulfill the consultation requirement; and
- (iii) To ensure that their programs fully address domestic violence issues and concerns in the context of the provision of services to noncustodial parents, and the provision of services to custodial parents and children at risk for domestic violence.

Attachments

Excerpts from—

Federal Register, Part III, Department of Labor, Employment and Training Administration, 20 CFR Part 645, Welfare-to-Work (WtW) Grants; Final Rule; Interim

Final Rule, Thursday, January 11, 2001, Social Security Act (42 U.S.C. 675 (4)); Map of Virginia Domestic Violence Programs

7. Effect of TANF sanctions on program participation

The intent of the WtW program is to provide participants with services until they no longer need them. Once an individual has been found eligible for WtW and is subsequently sanctioned, the effect of that sanction holds no bearing on the participant's eligibility to continue in the WtW program. If, however, an individual loses or quits a job, and refuses to be placed in another, that individual can be denied certain WtW services, such as post-employment and supportive services, since an individual must be employed in order to receive these types of services. Participants can, however, continue to receive case management services during this time.

Also, if individuals are sanctioned by the TANF agency at the time they apply for WtW, they can be deemed eligible under certain circumstances. Prior to the new definition of TANF assistance found in 20 CFR at 645.212(d) which states, "TANF assistance means any TANF benefits and services for the financially needy according to the appropriate income and resource criteria (if applicable) specified in the State TANF plan," family members who were no longer receiving cash assistance due to a sanction were not eligible to participate in the WtW program. Now, under the expanded WtW definition of TANF assistance that applies to WtW eligibility, if any member of the family receives some type of TANF benefit, the family member may be served under the "other eligibles" category. Additionally, the family member may be eligible to be served under the primary eligibility category if (s)he meet the 30-month requirement even if the family no longer receives ongoing TANF cash assistance due to a sanction. This includes child-only cases.

Conversely, if the sanction results in the termination of all TANF benefits and services for the family, then the individual would not be eligible to enroll in the WtW program. However, the family may still be eligible for WtW services if it meets the requirements of

a custodial parent with income below the poverty level, since the eligibility criteria is not dependent upon TANF receipt.